

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/17/2002

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2002-000184

FILED: _____

STATE OF ARIZONA

PAUL W BADALUCCO

v.

OWEN B ONEILL

MICHAEL J DEW

PHX CITY MUNICIPAL COURT
REMAND DESK CR-CCC

MINUTE ENTRY

PHOENIX CITY COURT

Cit. No. #8708267; #8708268

Charge: RESPONSIBLE PARTY FACILITATION OF VIOLATION AND
EXTERIOR PREMISES STD VIOLATION

RESPONSIBLE PARTY FACILITATION OF VIOLATION AND EXTERIOR
PREMISES STD VIOLATION

DOB: 08/27/62

DOC: 08/29/00

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This Court has jurisdiction to decide criminal appeals pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A) and 13-4033.

Appellant, Owen B. O'Neill, was charged by long complaint with three counts of Violation of the Neighborhood Ordinance and one charge of Failing to Dispose of Waste from Small Animals, all class 1 misdemeanor offenses in violation of various sections of the Phoenix City Code. Appellant entered a plea of guilty and was placed on probation by the Phoenix City Court. Thereafter, Appellant admitted on April 9, 2002 a violation of his probation to the court. It is from the disposition that occurred after Appellant's admission of his violation of probation, from which Appellant appeals.

Counsel for Appellant has appropriately pointed out to this court that it lacks jurisdiction resulting from admissions of probation violation. A.R.S. Section 13-4033(B) provides:

In non-capital cases, a Defendant may not appeal from a judgment or sentence that is entered pursuant to a plea agreement or an admission to a probation violation.

Appellant's counsel also points out that Rule 32.1, Arizona Rules of Criminal Procedure, provides for a specific remedy and procedure for a Defendant to seek from an illegal or inappropriate sentence.

IT IS THEREFORE ORDERED dismissing this appeal.

IT IS FURTHER ORDERED remanding this matter back to the Phoenix City Court for all further and future proceedings in this case.